

WHEN IS A GENOCIDE A GENOCIDE?

by

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From the beginning of our work on genocide we have found that the definition contained in the United Nations Convention on Genocide, adopted in December 1948, was quite unsatisfactory for one very simple reason: none of the major genocides that have occurred since its adoption fall within its restrictive specifications. This seems to be true, regardless of whether we are thinking of Bangladesh or Burundi, Cambodia or Indonesia, East Timor or Ethiopia. The crux of this problem is contained in Article II of the UN Convention which limits the term genocide to "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group. . . ." Other victim groups - whether they be social, political or economic ones - do not qualify as the victims of genocide because they were omitted from that definition. The reasons for that omission have been discussed by Leo Kuper¹ and are less relevant here than our need for a definition that would cover the planned annihilation of any group, no matter how that group is defined and by whom. Minimally, such a definition should include economic, political and social groups as potential victims. There have been a number of efforts to amend and expand the UN definition of possible victim groups - so far without success.²

This lack of success is all the more puzzling since the 1951 United

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Nations Convention Relating to the Status of Refugees specifies that a refugee is "Any person who owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality"3.

These two conflicting definitions, arising from the same organization, seem to produce the paradox that some people fleeing from a genocide are being recognized as refugees, while those unable to flee from the same genocide are not acknowledged as being its victims. So, after many revisions, we have finally adopted the following definition for our own research:

GENOCIDE is a form of one-sided mass killing
in which a state or other authority intends to
destroy a group, as that group and membership
in it are defined by the perpetrator.

The main difference between the United Nations definition and ours is that we have no restrictions on the types of groups to be included. This allows us to include even those groups that have no verifiable reality outside the minds of the perpetrators, such as 'wreckers' or 'enemies of the people'; while such groups may not fall within the usual definition of a group as used in the social sciences, the labelling of the group by the perpetrator suffices to define them. Our definition also allows us to include groups that may be recognized by the social sciences, but that had escaped the imagination of perpetrators before Pol Pot, such as the victimization of urban dwellers in Pol Pot's Kampuchea.

However, I must point out that this concern with post-World War II cases does not represent the complete range of our interests. On the contrary, we believe that we have evidence that genocides have occurred

during all periods of history and in all parts of the world from antiquity right up to the present day. Our sampling of cases in The History and Sociology of Genocide⁴ was not meant to be exhaustive, because it is not possible to be expert on all periods of history in all parts of the world. We are quite confident that there are cases that we are not even aware of, not only because of our own limitations, but also because of the 'collective denial' that has limited the reporting of cases during most periods of history.

The conference begins with a question: what elements do we look for in evaluating situations and events before determining whether we are dealing with a case of genocide? We use three major criteria: (1) there must be evidence, even if only circumstantial, of the intent of the perpetrator; (2) there must be a group whose victimization threatens its survival as a group; and (3) the victimization must be one-sided. We realize that these conditions are problematic; therefore we recognize as 'genocidal massacres' those events that seem to violate one of our conditions. Let me elaborate.

(1) Of these three criteria, the first one, which requires that there be evidence of intent, is clearly the most difficult one to deal with. Researchers must not be misled by the Holocaust; it is the only case where the perpetrators' leader wrote a book outlining his plans for the state he hoped one day to lead⁵ and where these plans were carried out. By the way, Simon Taylor⁶ argues convincingly that the intention to annihilate the Jews physically was developed and stated publicly well before the Nazis came to power. Not only that; Germany is also the only case where a successor government did not deny that the killing had taken place and agreed to make reparation payments to certain survivors. In most cases of genocide the evidence for intent and planning is difficult to obtain. There are many reasons for this: (a) In many societies such materials are not written down,

or are destroyed rather than preserved in archives; (b) Many perpetrators have recourse to elaborate means of hiding the truth, controlling access to information, and spreading carefully contrived disinformation; and (c) Historically, most genocides were not reported because, until the middle of the twentieth century, there appears to have existed a sort of conspiracy of 'collective denial' whereby the disappearance of a people did not seem to require comment or even a mention. Just one example: The literature on antiquity is full of the names of peoples, cities, and empires that have disappeared without ever a mention of what happened to the populations involved. The main exceptions to this secrecy surrounding the most horrendous events in history are certain religiously motivated cases of genocide where the perpetrators proudly announced their 'victories' over the non-believers, pagans, or heretics.

So, what can be done to ascertain the presence of intent and planning? This rather formidable looking problem resolves itself on closer inspection into the problem of obtaining accurate and reliable information about killing operations. Once such information has been obtained and verified, it can usually be treated as circumstantial evidence for the intent and planning of the perpetrator. It is usually not plausible that a group of some considerable size is victimized by man-made means without anyone meaning to do it! This emphasis on intent is important because it removes from consideration in the study of genocides not only natural disasters, but also those man-made disasters that took place without explicit planning. Thus, the many epidemics of communicable diseases that reached genocidal proportions were often caused by unwitting human actions; but they could not have been intended because knowledge of the causes of these epidemics

was not yet available.

(2) The second criterion for considering a case as a genocide was that the victimization is meant to threaten the survival of the group. This criterion is essential if genocide is to be distinguished from other death-producing events such as rebellions and civil wars within states and wars between states. Many of these lethal events may involve genocidal massacres; but they should not be considered as genocides for several reasons. First, modern wars have become total wars, which means to say that such wars are not combats between opposing military forces any more, but have become conflicts between nation states that involve total societies. Second, the intent of the warring states is quite different; they hope to win the war, not to annihilate a group. Modern nation states are far too large for such an intent to be at all achievable. Third, nobody has yet shown that our understanding is enriched by comparing such unlike phenomena as war-time casualties and genocides. The fact that both produce massive casualties is a terrible commentary on man's inhumanity to man, but does not enrich our understanding of either phenomenon.

(3) I also said above that in order for a case to be considered as a genocide the victimization must be one-sided. This criterion requires some comment. In our conceptual scheme this point is essential because we mean to exclude from our comparative analyses cases of civil wars among more or less equally strong contenders. This does not imply that the victims of genocide must always be weak or defenseless; but it does mean that the perpetrator must be significantly stronger than the victims -- otherwise a genocide cannot be carried out at all. We do not believe that there is anything to be gained analytically by comparing cases that have little in

common, except that large numbers of casualties result. There are a great many things that happen in violation of the various UN Conventions on human rights and our own sense of human dignity and worth; but the causes of such violations will not be better understood by mislabelling.

Let us briefly turn to the instruments of genocide and how they have changed over time. Perhaps the most obvious observation is that they have often benefitted from advances in technology. But it is easy to misinterpret such use of higher technology. The basic problem about killing very large numbers of people is that it is very hard on those who have to do the actual work, which includes not only the killing but also the rounding up beforehand and the disposal of the bodies afterwards. Modern technology is primarily useful in creating a distance between the killers and the victims. However, discipline among the killers seems considerably more important than technology. Thus, even in post-World War II genocides, the most primitive technology is still being used in very poor countries and is obviously still capable of annihilating very large numbers of victims. In both Kampuchea and Burundi, for example, the killers were instructed not to use bullets because they were too costly. And then there is a most horrible invention of very ancient vintage, but revived in the twentieth century, that uses a quite primitive technology: the man-made famine. It combines the advantages -- for the perpetrators -- of costing very little, while at the same time putting physical distance between the perpetrators and the victims. Stalin used famine in the Ukraine in the early thirties, and in the eighties it is being used in Ethiopia and in the Sudan.

I wish to expand this excursion into history by commenting briefly on the prevalence of genocide in the ancient and the modern world and to suggest a tentative explanation of its rise in the twentieth century! Chalk

and Jonassohn⁷ distinguish two major types of genocides. The first type consists of genocides that were practised in the maintaining and expanding of empires; they were committed in order to deal with actual or perceived threats, in order to terrorize real or potential enemies, or in order to acquire economic wealth. This type of genocide has played a major role in history and seems to have been associated with all empires. The evidence is quite difficult to gather because it used to be so taken for granted that often neither the perpetrators nor the victims commented on it. The perpetrators included it in their reports of victories and conquests; but they either forgot to mention what happened to the victim populations, or their fate was beclouded by semantics, such as the 'razing' of a city - which could mean anything from tearing down its fortified city walls to its total destruction, such as in Carthage where the fate of its population is still a matter of debate among the specialists. The victims, on the other hand, usually accepted their lot as the fate of the losers. Besides, the victims did not usually record what had happened to them. The most famous exceptions are the victims of the Mongols under Genghis Khan and his successors; they left voluminous reports on the outrages committed by the conquerors.

Perhaps the easiest way to explain the prevalence of this type of genocide throughout history is that it worked. It did, in fact, eliminate threats, terrorize enemies, and help to acquire economic wealth. It has been on the decline because the age of empires has passed. Now it occurs only where small indigenous populations control economic resources that more powerful neighbors want to acquire and exploit.

The second type of genocide first occurred in the Middle Ages and was performed in order to implement a belief, an ideology, or a religion. It

has become a paradigmatic type only in the twentieth century. This much can be said simply as a statement of empirical fact. To provide an explanation is a much more difficult matter, in part because most of the relevant research has not yet been done.

Perhaps it is easier to begin by mentioning those explanations with which I disagree, although there will not be space to develop the arguments in this paper. Psychological and psychiatric theories dealing with hostility, aggression, etc. are unlikely to be relevant because such drives or instincts surely occur among all peoples, and because large-scale phenomena such as genocides are not likely to find their explanation in the attributes of individuals. Neither do explanations involving advances in the technology of killing instruments hold much explanatory promise, as already indicated above. They may be relevant to what some writers have referred to as 'omnicide', that is, a global nuclear war destroying humanity; but if that cataclysm were to come about, then none of us would have to worry about theories and explanations. And now to some more promising approaches.

Christina Larner,⁸ encouraged by Norman Cohn, worked out a hypothesis which related the occurrence of genocide to the need of new states and/or new regimes to legitimate themselves and to their need to impose a new discipline on a recalcitrant population. This explanation seems plausible enough to warrant further research because both genocides and new regimes and/or new states have become more frequent in the twentieth century. But the research to confirm or deny this hypothesis remains to be done.

Three other scholars should be mentioned briefly. A view, most recently expressed by Connor Cruise O'Brien⁹, has sought an explanation in

the rise of nationalism, a view with which Hannah Arendt¹⁰ strongly disagrees. Their different interpretations seem in part to hinge on a semantic problem, i.e., on the different ways in which they use the relevant terms. For O'Brien, nationalism is a "terrestrial creed" that encourages the glorification of the in-group and the devaluation of all out-groups; it has "proved to be the most effective engine for the mobilization of hatred and destruction that the world has ever known"; O'Brien holds it responsible for the Holocaust and many other genocides in the modern era. For Hannah Arendt, the nation states which replaced the earlier empires conferred citizenship rights on everybody; they were tolerant of the minorities within their boundaries; all citizens were equal and their rights were protected by the rule of law. For her, it was not the nation state nor the associated nationalism of its citizens that constituted a threat; rather, it was totalitarianism that was lethal; it led to the destruction of the nation state and to the victimization of its own citizens. Aristide Zolberg has expanded her analysis to explain the waves of refugees that these perpetrator states keep producing. He argues that "the secular transformation of a world of empires into a world of national states" is accompanied by "a generalized political crisis, in the course of which victim groups are especially likely to emerge."¹¹ Just what happens to the members of such victim groups depends on the particulars of the situation. They may be discriminated against, or expelled, or annihilated, or all three.

Larner, O'Brien, Arendt, and Zolberg start out by trying to explain quite different phenomena -- from the Great Witch-Hunt, to the Holocaust, to the rise of totalitarianism, to the generating of refugee flows. They arrive at very similar explanations. I have mentioned them here because such con-

vergence indicates to me a very promising avenue of analysis to explore. I recommend it to your attention.

As scholars, it is of course terribly important to us to find a theory that will explain genocide. That would not only satisfy our scientific curiosity, it would also help us to predict their occurrence in the future. As concerned citizens we would find that even more important. But these two so very desirable aims of theorizing -- explanation and prediction -- seem to be eluding our grasp. If they are going to be achieved, it seemingly will not be in the immediate future. That prospect will not discourage the scholars because they are only too familiar with the need for patience in their scientific efforts. But to the concerned citizen in all of us that daunting prospect should cause us to look for other avenues to prevention. Fortunately, prediction is not a necessary precondition for prevention. It is quite possible to develop a variety of strategies that may help to prevent future genocides long before adequate explanations have been found. But that is a topic for the next paper that I hope to write.

FOOTNOTES

¹ Leo Kuper, Genocide: Its Political Use in the Twentieth Century (New York: Penguin Books, 1981), ch. 2.

² Ben Whitaker, Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide (United Nations Economic and Social Council, Commission on Human Rights, E.CN.4. Sub.2, 1985.6: 2 July 1985).

³ Frances D'Souza and Jeff Crisp, The Refugee Dilemma (London:

Minority Rights Group, Report No. 43, 1985), p.7.

⁴Frank Chalk and Kurt Jonassohn, The History and Sociology of Genocide: Analyses and Case Studies (New Haven, Conn.: Yale University Press, 1990), part 2.

⁵Adolf Hitler, Mein Kampf (Boston: Houghton Mifflin, 1971, orig. ed. 1924).

⁶Simon Taylor, Prelude to Genocide: Nazi Ideology and the Struggle for Power (New York: St. Martin's Press, 1985), p. 218.

⁷Frank Chalk and Kurt Jonassohn, op. cit., part 1.

⁸Christina Larner, Enemies of God: The Witch-Hunt in Scotland (London: Chatto & Windus, 1981), p. 5.

⁹Connor Cruise O'Brien, "A Lost Chance to Save the Jews?" The New York Review of Books, vol.30, no.7 (April 27, 1989) pp. 27-28, 35.

¹⁰Hannah Arendt, The Origins of Totalitarianism, 2d enlarged ed. (Cleveland: The World Publ. Co., 1958), pp. 269-290.

¹¹Aristide R. Zolberg, "The Formation of New States as a Refugee-Generating Process," The Annals of the American Academy of Political and Social Science 467 (May 1983): 24-38.